

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER JOHN ARENDAS,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION FOR
RECONSIDERATION

Case No. 1:10-CR-123 TS

This matter is before the Court on the government's Motion for Reconsideration of the Court's Memorandum Decision of December 19, 2012.¹ Defendant has not responded to the Motion.

In the Court's December 19 Order, the Court ordered that the Bureau of Prisons ("BOP") provide a report, pursuant to 18 U.S.C. § 4246, analyzing whether Defendant is "presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another"²

¹Docket No. 85.

²18 U.S.C. § 4246.

In its Motion for Reconsideration, the government notes that it has received supplemental information from the BOP stating that a § 4246 dangerousness assessment performed by the BOP at the current procedural juncture of the case is, at the least, unusual.

The government proposes that, instead of the BOP conducting a § 4246 dangerousness analysis, it would be more appropriate for the Court to receive the opinion of a local mental health practitioner regarding Defendant's dangerousness. The Court is persuaded that this is a more appropriate course of action.

It is therefore

ORDERED that the government's Motion for Reconsideration of the Court's Memorandum Decision of December 19, 2012 (Docket No. 85) is GRANTED. It is further Ordered that Speedy Trial time is excluded pursuant to 18 U.S.C. §§ 3161(h)(1)(a).

The parties are ordered to file with the Court a stipulated designation of expert within fourteen (14) days of this Order. The expert should be qualified to provide an opinion as to whether Defendant suffers from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another.

DATED February 5, 2013.

BY THE COURT:



TED STEWART
United States District Judge